

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

July 15, 2011

9:00 a.m.

Room 438, State House, Augusta

Convene

1. Welcome and Introductions
Senator David R. Hastings III
Representative Joan M. Nass
2. Election of Chair pursuant to 1 MRSA §411, sub-§ 4
3. Summary of First Regular Session, 125th Legislature's FOA actions in 2011
 - RTK AC recommendations
 - LD 1082, An Act Concerning the Protection of Personal Information in Communications with Elected Officials (Public Law 2011, chapter 264)
 - LD 1154, An Act To Implement the Recommendations of the Right To Know Advisory Committee (Public Law 2011, chapter 320)
 - Proposed public records exceptions
4. Existing exceptions review process (Titles 22 - 25, recommendations due January 2012)
5. Requests from Legislature: Memo from Judiciary Committee
 - PL c. 264: email and other communications of elected/public officials
 - Availability of personal information in public records; Privacy Act? (LD 917)
 - LD 1465, An Act To Amend the Laws Governing Freedom of Access (carryover)
 - Accessibility and provision of public information in large quantities (see also c. 390 and c. 299)
6. Continuing projects
 - Criminal History Record Information Act (CHRIA) - working with CLAC
 - Use of technology in public proceedings (member participation from remote locations)
 - Bulk electronic data
 - Training and education for public officials - expansion to include appointed, others?
7. Law School Externship - update
8. Subcommittees: chairs, members, duties
9. Scheduling future meetings, subcommittee meetings
10. Other?

Adjourn

JUN 08 '11 264

STATE OF MAINE

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 817 - L.D. 1082

**An Act Concerning the Protection of Personal Information in
Communications with Elected Officials**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§3, ¶C-1 is enacted to read:

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(e) An individual's social security number; or

(2) Would be confidential if it were in the possession of another public agency or official;

Sec. 2. Right To Know Advisory Committee. The Right To Know Advisory Committee, as established in the Maine Revised Statutes, Title 1, section 411, subsection 1, shall examine the benefit of public disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and to provide public access. The Right To Know Advisory Committee's findings and any recommendations must be included in its 2012 annual report pursuant to Title 1, section 411, subsection 10.

JUN 13 '11 320

STATE OF MAINE

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 852 - L.D. 1154

**An Act To Implement the Recommendations of the Right To Know Advisory
Committee**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 22 MRSA §1065, as enacted by PL 2005, c. 628, §1, is repealed.

Sec. A-2. 24 MRSA §2329, sub-§8, as enacted by PL 1983, c. 527, §1, is amended to read:

8. Confidentiality. ~~The confidentiality of all alcoholism~~ Alcoholism and drug treatment patient records ~~shall be protected~~ are confidential.

Sec. A-3. 24-A MRSA §225, sub-§3, as enacted by PL 1991, c. 828, §10, is amended to read:

3. All working papers, recorded information, documents and copies of any of these media produced by, obtained by or disclosed to the superintendent or any other person in the course of an examination made under this chapter ~~must be given~~ are confidential ~~treatment~~, are not subject to subpoena and may not be made public by the superintendent or any other person, except to the extent provided in sections 226 and 227. Access may be granted to the National Association of Insurance Commissioners. Any parties granted access must agree in writing prior to receiving the information to provide the information with the same confidential treatment as required by this section unless prior written consent of the insurer to which the information pertains has been obtained.

Sec. A-4. 24-A MRSA §226, sub-§2, as amended by PL 1999, c. 113, §15, is further amended to read:

2. If requested by the person examined, within the period allowed under subsection 1, or if determined advisable by the superintendent without such request, the superintendent shall hold a hearing relative to the report and may not file the report in the bureau until after the hearing and the superintendent's order on the report; except that the superintendent may furnish a copy of the report to the Governor, Attorney General or Treasurer of State pending final decision and, if the copies are so furnished, they are ~~deemed confidential information~~ until the other requirements of this section with regard to examination reports have been satisfied. In lieu of convening a hearing, the superintendent may reopen the examination or, if supported by the information obtained, may adopt some or all of the modifications proposed by the person examined.

Sec. A-5. 24-A MRSA §227, as amended by PL 1991, c. 828, §12, is further amended to read:

§227. Examination report

The report of examination of those persons, partnerships, corporations or other business associations that are subject to examination by the superintendent as provided for in sections 221 and 222 ~~shall~~ must, upon satisfaction of the requirements of section 226 and so long as no court of competent jurisdiction has stayed its publication, be filed in the bureau as a public record, except ~~for that~~ any information relating to an individual insured or individual applicant for insurance, ~~which is deemed confidential~~.

Sec. A-6. 24-A MRSA §952-A, sub-§4, ¶H, as repealed and replaced by PL 2001, c. 89, §1, is amended to read:

H. Except as provided in paragraphs K, L and M, any memorandum in support of the opinion and any other documents, materials or other information provided by the insurer to the superintendent in connection with the memorandum are confidential, must be kept confidential by the superintendent ~~and are not public records within the meaning of the freedom of access laws~~ and are not subject to subpoena or discovery, nor admissible in evidence in any private civil action. The superintendent is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the superintendent's official duties.

Sec. A-7. 24-A MRSA §2315, as amended by PL 1989, c. 797, §17 and affected by §§37 and 38, is repealed.

Sec. A-8. 24-A MRSA §2323, sub-§4, as amended by PL 1989, c. 797, §27 and affected by §§37 and 38, is further amended to read:

4. Each insurer shall report its loss or expense experience to the lawful rating organization, advisory organization or agency of which it is a member or subscriber, but ~~shall is not be~~ required to report its loss or expense experience to any rating organization, advisory organization or agency of which it is not a member or subscriber. Any insurer not reporting such experience to a rating organization, advisory organization or other agency may be required to report such experience to the superintendent. Any report of such experience of any insurer filed with the superintendent ~~shall be deemed is~~

confidential and ~~shall~~ may not be revealed by the superintendent to any other insurer or other person, but the superintendent may make compilations including such experience.

Sec. A-9. 24-A MRSA §2325-B, sub-§9, as enacted by PL 2003, c. 671, Pt. B, §2, is amended to read:

9. Modified policy form and rate filings. A modified policy form and modified rate developed by a member insurer must be filed with the superintendent. A modified rate to be used in connection with an existing policy form that consists solely of a permissible surcharge not in excess of the maximum allowable cap contained in rules adopted under subsection 8 may be used by a member insurer immediately upon filing that modified rate with the superintendent. For any other modified filings, a modified policy form and modified rate must be filed with the superintendent not less than 30 days in advance of the stated effective date. A modified rate filing subject to the 30-day advance filing requirement must include any supplementary rating information to be used in conjunction with a rate and, to the extent available, sufficient supporting information to support a rate. A modified rate may not be excessive, inadequate or unfairly discriminatory with respect to risks written through the program. A modified policy form may only be disapproved for the grounds specified in section 2413. All modified policy form and rate filings are confidential until ~~effective or~~ approved in accordance with applicable law.

Sec. A-10. 24-A MRSA §2842, sub-§8, as enacted by PL 1983, c. 527, §2, is amended to read:

8. Confidentiality. ~~The confidentiality of all alcoholism~~ Alcoholism and drug treatment patient records ~~shall be protected~~ are confidential.

PART B

Sec. B-1. 1 MRSA §401, as repealed and replaced by PL 1975, c. 758, is amended by adding after the first paragraph a new paragraph to read:

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter.

PART C

Sec. C-1. 1 MRSA §403, as amended by PL 2009, c. 240, §1, is repealed and the following enacted in its place:

§403. Meetings to be open to public; record of meetings

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made

within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

- A. The date, time and place of the public proceeding;
- B. The members of the body holding the public proceeding recorded as either present or absent; and
- C. All motions and votes taken, by individual member, if there is a roll call.

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.

PART D

Sec. D-1. 1 MRSA §432, sub-§1, as amended by PL 2005, c. 631, §3, is further amended to read:

1. Recommendations. During the second regular session of each Legislature, the review committee may report out legislation containing its recommendations concerning the repeal, modification and continuation of public records exceptions and any recommendations concerning the exception review process and the accessibility of public records. Before reporting out legislation, the review committee shall notify the appropriate committees of jurisdiction concerning public hearings and work sessions and shall allow members of the appropriate committees of jurisdiction to participate in work sessions.

Sec. D-2. 1 MRSA §432, sub-§2-C is enacted to read:

2-C. Accessibility of public records. The advisory committee may include in its evaluation of public records statutes the consideration of any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

Sec. D-3. 1 MRSA §434, as amended by PL 2005, c. 631, §6, is further amended to read:

§434. Review of proposed exceptions to public records; accessibility of public records

1. Procedures before legislative committees. Whenever a legislative measure containing a new public records exception is proposed or a change that affects the accessibility of a public record is proposed, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the review committee to review and evaluate the proposal pursuant to subsection 2 and to report back to the committee of jurisdiction. A proposed exception or proposed change that affects the accessibility of a public record may not be enacted into law unless review and evaluation pursuant to ~~subsection~~ subsections 2 and 2-B have been completed.

2. Review and evaluation. Upon referral of a proposed public records exception from the joint standing committee of the Legislature having jurisdiction over the proposal, the review committee shall conduct a review and evaluation of the proposal and shall report in a timely manner to the committee to which the proposal was referred. The review committee shall use the following criteria to determine whether the proposed exception should be enacted:

- A. Whether a record protected by the proposed exception needs to be collected and maintained;
- B. The value to the agency or official or to the public in maintaining a record protected by the proposed exception;
- C. Whether federal law requires a record covered by the proposed exception to be confidential;
- D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in the disclosure of records;
- E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records;
- F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records;
- G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records;
- H. Whether the proposed exception is as narrowly tailored as possible; and
- I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception.

2-A. Accountability review of agency or official. In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.

2-B. Accessibility of public records. In reviewing and evaluating whether a proposal may affect the accessibility of a public record, the review committee may consider any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.

3. Report. The review committee shall report its findings and recommendations on whether the proposed exception or proposed limitation on accessibility should be enacted to the joint standing committee of the Legislature having jurisdiction over the proposal.

Sec. D-4. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 1, chapter 13, subchapter 1-A, in the subchapter headnote, the words "exceptions to public records" are amended to read "public records exceptions and accessibility" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART E

Sec. E-1. 1 MRSA §402, sub-§3, ¶N, as amended by PL 2009, c. 176, §1 and c. 339, §1, is further amended to read:

N. Social security numbers ~~in the possession of the Department of Inland Fisheries and Wildlife;~~

FOA REVIEWS 2011

UPDATED 7/12/2011 9:18 AM

LD	Committee	ID Letter	Request	Review	Report	Public Law chapter.
LD 398, An Act to Require Criminal History Record Information for Licensure of Nurses	Labor, Commerce, Research and Economic Development	4/5/2011	6/1/11 divided	6/1/11	6/1/11 OK	VETOED
LD 472, An Act to Enhance the Security of Hospital Patients, Visitors and Employees	Health and Human Services	4/5/2011	Amended - no review necessary	---		PL c. 254
LD 609, An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential	Judiciary			5/11/11	Recommend changes	PL c. 260
LD 634, An Act to Allow a Person to Designate Information Submitted for a Hunting or Fishing License as Confidential	Inland Fisheries and Wildlife	4/5/2011	4/11/11	5/5/11 5/11/11	5/12/11 OK	PL c. 185
LD 652, An Act To Amend Animal Welfare Laws	Agriculture, Conservation and Forestry		3/28/11	5/4/11	5/10/11 OK	PL c. 210
LD 654, An Act to Amend the Occupational Disease Reporting Laws	Health and Human Services	4/5/2011	OTP Not a new public records exception	---		PL c. 337
LD 887, An Act to Include Medicinal Marijuana Patients in the Controlled Substances Prescription Monitoring Program	Health and Human Services	4/5/2011	Amended - no review necessary Divided Maj: ONTP	---		ONTP
LD 892, An Act to Establish an Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance	Insurance and Financial Services	4/5/2011	Divided Maj: ONTP	5/11/11	5/12/11 OK	ONTP
LD 917, An Act To Protect Licensing Information Provided to the Department of Inland Fisheries and Wildlife and To Require a Review of Public Access to Other Personal Information	Judiciary		ONTP	---		ONTP
LD 958, An Act To Restore Equity in Education Funding	Education and Cultural Affairs	Com Amend		6/8/11	6/8/11 Recommend changes	recommitted
LD 1068, An Act to Protect the Privacy of Maine Residents under the Driver's License Laws	Transportation	4/5/2011		5/11/11	5/11/11 OK	PL c. 149
LD 1082, An Act Concerning the Protection of Personal Information in Communications with Elected Officials	Judiciary			5/11/11	OK, but Recommend to RTKAC	PL c. 264
LD 1150, An Act to Improve the Administration of the Legislative Ethics Laws	Veterans' and Legal Affairs	4/5/2011	Not a new public records exception	---		recommitted

FOA REVIEWS 2011

UPDATED 7/12/2011 9:18 AM

LD	Committee	ID Letter	Request	Review	Report	Public Law chapter.
LD 1167, An Act to Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents	Transportation	4/26/2011		5/11/11	5/11/11 Recommend changes	PL c. 390
LD 1260, An Act to Improve Transparency in Maine Government	Veterans' and Legal Affairs	4/5/2011	Not a public records exception	---		ONTP
LD 1296, An Act to Amend the Maine Medical Use of Marijuana Act to Protect Patient Privacy	Health and Human Services	4/5/2011	Not a new public records exception	---		PL c. 407
LD 1313, An Act To Amend the Motor Vehicle Laws	Transportation	4/5/2011		5/11/11	5/11/11 Recommend changes	PL c. 356 (E) 6/15/11
LD 1310, An Act To Amend the Laws Governing the Address Confidentiality Program	Judiciary			5/11/11	Ok	PL c. 195
LD 1317, An Act Concerning Sex Offender Registry Information	Criminal Justice and Public Safety	4/5/2011	5/31/11OTPA	5/31/11	6/1/11 Recommend change	PL c. 299
LD 1319, An Act to Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles	Transportation	4/5/2011	ONTP	---		ONTP
LD 1337, An Act to Ensure Patient Privacy and Control with Regard to Health Information Exchanges	Health and Human Services	4/26/2011		5/12/11	5/12/11 OK	PL c. 373
LD 1412, An Act To Promote the Proper Disposal of Used Medical Sharps	Environment and Natural Resources	5/10/11	carryover	---		carryover
LD 1433, An Act to Provide for the Recycling or Proper Disposal of Architectural Paint	Environment and Natural Resources	4/26/2011	ONTP	---		ONTP
LD 1450, An Act To Enforce Wage Laws	Labor, Commerce, Research and Economic Development	4/26/2011	ONTP	---		ONTP
LD 1453, An Act to Legalize and Tax Marijuana	Criminal Justice and Public Safety	4/26/2011	Divided Maj ONTP	---		ONTP
LD 1472, An Act to Create the State Advanced Practice Registered Nursing Board	Labor, Commerce, Research and Economic Development	4/26/2011	Divided ONTP			ONTP
LD 1487, An Act To Assist Maine Pharmacies	Health and Human Services	5/4/2011	ONTP	---		ONTP
LD 1489, An Act Regarding Regulation of Emergency Medical Services	Criminal Justice and Public Safety	4/26/2011	5/31/11 OTPA	5/31/11	6/1/11 OK	PL c. 271
LD 1498, An Act to Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals	Insurance and Financial Services	4/26/2011	carryover	---		carryover
LD 1500, An Act to Establish Positive Reentry Parole	Criminal Justice and Public Safety	4/26/2011	ONTP	---		ONTP

FOA REVIEWS 2011

UPDATED 7/12/2011 9:18 AM

LD	Committee	ID Letter	Request	Review	Report	Public Law chapter.
LD 1516, An Act to Protect Consumer Information at the Efficiency Maine Trust	Energy, Utilities and Technology	4/26/2011	5/17/11	5/17/11	5/17/11 Recommend change	PL c. 343
LD 1521, An Act To Amend the InformME Public Information Access Act	Energy, Utilities and Technology	5/4/11	5/12/11	5/17/11	5/17/11 Recommend change	PL c. 321
LD 1522, An Act to Make Technical Changes to Marine Resources Laws	Marine Resources	5/4/2011	Not a public records exception	---		PL c. 266
LD 1523, An Act To Improve the Maine Clean Election Act	Veterans and Legal Affairs	5/23/11	carryover	---		carryover
LD 1524, An Act to Amend the Laws Relating to the Maine Public Employees Retirement System	Appropriations and Financial Affairs	5/4/2011		6/16/11	6/28/11 OK	PL c. 449
LD 1583, An Act To Provide Oversight in Certain Negotiations	Insurance and Financial Services		6/14/11	6/14/11	6/14/11 Recommend changes	PL c. 451

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Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

Revised 7/12/2011 3:24 PM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
15	22	1555-D	1	Title 22, section 1555-D, subsection 1, relating to lists maintained by the Attorney General of known unlicensed tobacco retailers	DHHS		11/4: tabled	
18	22	1696-D		Title 22, section 1696-D, relating to the identity of chemical substances in use or present at a specific location if the substance is a trade secret	DHHS		11/4: tabled	
19	22	1696-F		Title 22, section 1696-F, relating to the identity of a specific toxic or hazardous substance if the substance is a trade secret	DHHS		11/4: tabled	
20	22	1711-C	2	Title 22, section 1711-C, subsection 2, relating to hospital records concerning health care information pertaining to an individual	DHHS		11/4: tabled	
21	22	1828		Title 22, section 1828, relating to Medicaid and licensing of hospitals, nursing homes and other medical facilities and entities	DHHS		11/4: tabled	
22	22	1848	1	Title 22, 1848, subsection 1, relating to documents and testimony given to Attorney General under Hospital and Health Care Provider Cooperation Act	OAG		11/4: tabled	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

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	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
33	22	2706	4	Title 22, section 2706, relating to prohibition on release of vital records in violation of section; recipient must have "direct and legitimate interest" or meet other criteria	DHHS		11/4: tabled	
34	22	2706-A	6	Title 22, section 2706-A, subsection 6, relating to adoption contact files	DHHS		11/4: tabled	
35	22	2769	4	Title 22, section 2769, subsection 4, relating to adoption contact preference form and medical history form	DHHS		11/4: tabled	
36	22	3022	8, 12, 13	Title 22, section 3022, subsections 8, 12 and 13, relating to medical examiner information	OAG		11/4: tabled	
37	22	3034	2	Title 22, section 3034, subsection 2, relating to the Chief Medical Examiner missing persons files	OAG		11/4: tabled	
38	22	3188	4	Title 22, section 3188, subsection 4, relating to the Maine Managed Care Insurance Plan Demonstration for uninsured individuals	DHHS		11/4: tabled	
39	22	3192	13	Title 22, section 3192, subsection 13, relating to Community Health Access Program medical data	DHHS		11/4: tabled	
44	22	4008	1	Title 22, section 4008, subsection 1, relating to child protective records	DHHS		11/4: tabled	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

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	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
53	22	8707		Title 22, section 8707, relating to the Maine Health Data Organization	MHDO	<ul style="list-style-type: none"> Data release rules Only two requests, one concerned paying for the data No changes 	10/18: Table - sub-§2 no change; sub-§4 why MHCFC link?	
54	22	8754		Title 22, section 8754, relating to medical sentinel events and reporting	MHDO DHHS		11/4: tabled	
55	22	8824	2	Title 22, section 8824, subsection 2, relating to the newborn hearing program	DHHS		11/4: tabled	
56	22	8943		Title 22, section 8943, relating to the registry for birth defects	DHHS		11/4: tabled	
57	23	63		Title 23, section 63, relating to records of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority	MTA & DOT	<ul style="list-style-type: none"> Covers two categories of records Invoked rarely Subject of two Law Court cases, one LD (not enacted) No changes 	11/4: tabled	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

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	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
59	23	1980	2-B	Title 23, section 1980, subsection 2-B, relating to recorded images used to enforce tolls on the Maine Turnpike	MTA	<ul style="list-style-type: none"> • Violation Enforcement System; records license plates only • See 23 §1982 • No changes 	11/4: tabled	
60	23	1982		Title 23, section 1982, relating to patrons of the Maine Turnpike	MTA	<ul style="list-style-type: none"> • Toll violation system, as well as any other records • Comes into play several times a year; never used in litigation in which MTA is a party • No changes 	11/4: tabled	
61	23	4251	10	Title 23, section 4251, subsection 10, relating to records in connection with public-private transportation project proposals of at least \$25,000,000 or imposing new tolls	DOT	<ul style="list-style-type: none"> • Law became effective July 12, 2010 • No experience • No changes 	11/4: tabled	
62	23	8115		Title 23, section 8115, relating to the Northern New England Passenger Rail Authority	NNEPRA		11/4: tabled	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

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TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
66	24	2510	1 Title 24, section 2510, subsection 1, relating to professional competence reports under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure)	BOI has no role BdLicMed: <ul style="list-style-type: none"> ▸ cited 2-3 times per year ▸ PROPOSED: clarify confidentiality applies to all patient complaints MeHospAssn: <ul style="list-style-type: none"> ▸ MHA does not administer ▸ Not aware of requests ▸ No changes BdofDentalEx: <ul style="list-style-type: none"> ▸ No requests ▸ n/a MeMedAssn: <ul style="list-style-type: none"> ▸ MMA does not administer ▸ Don't know how frequent ▸ No changes 	9/27: table - ask medical licensing boards for input; <i>Consumers for Affordable Health Care input requested</i> 11/4: Tabled until 2011	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

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67	24	2510-A	Title 24, section 2510-A, relating to professional competence review records under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure)	BOI has no role BdLicMed: <ul style="list-style-type: none"> ▶ Cited 2-3 times per year ▶ PROPOSED: allow Bd to access peer review reports MeHospAssn: <ul style="list-style-type: none"> ▶ Not aware of requests ▶ No changes BdofDentalEx: <ul style="list-style-type: none"> ▶ No requests ▶ n/a MeMedAssn: <ul style="list-style-type: none"> ▶ substantial experience ▶ not held by public entities so not subject to FOA ▶ no changes 	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011	

Public Records Exceptions Subcommittee

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Revised 7/12/2011 3:24 PM

TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
68	2604		Title 24, section 2604, relating to liability claims reports under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure)	BOI has no role BdLicMed: <ul style="list-style-type: none"> 100-200 times per year No recommendation (other states allow to be released) BdofDentalEx: <ul style="list-style-type: none"> No requests n/a MedicalMutual: <ul style="list-style-type: none"> Zero requests No changes MeMedAssn: <ul style="list-style-type: none"> MMA does not administer No changes 	9/27: table - ask medical licensing boards for input 11/4: tabled until 2011	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

Revised 7/12/2011 3:24 PM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
69	24	2853	1-A	Title 24, section 2853, subsection 1-A, relating to action for professional negligence under the Maine Health Security Act	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure) (ME Medical Assoc., ME trial Lawyers Assoc., ME State Bar Assoc.)	BOI has no role <ul style="list-style-type: none">Records filed with the Superior Court BdLicMed: <ul style="list-style-type: none">Cited 100-200 times per year, but doesn't usually receive court documentsNo changes MeHospAssn: <ul style="list-style-type: none">Not aware if requests are made to courtsNo changes BdofDentalEx: <ul style="list-style-type: none">No requestsn/a MedicalMutual: <ul style="list-style-type: none">No direct role in administrationNo changes MeMedAssn: <ul style="list-style-type: none">MMA does not administerNo changes	9/27: table - ask medical licensing boards, Maine Trial Lawyers for input 11/4: tabled until 2011	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

Revised 7/12/2011 3:24 PM

TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
70	24	2857	Title 24, section 2857, subsections 1 and 2, relating to mandatory prelitigation screening and mediation panels	BOI (Board of Licensure in Medicine, the Board of Dental Examiners or the Board of Osteopathic Licensure) (ME Medical Assoc., ME trial Lawyers Assoc., ME State Bar Assoc.)	BOI has no role <ul style="list-style-type: none"> Records of Screening Panels (Judicial Branch) BdLicMed: <ul style="list-style-type: none"> Not cited or applied; Bd doesn't receive panel information No recommendation MeHospAssn: <ul style="list-style-type: none"> Only partially administer Not aware about requests No changes BdofDentalEx: <ul style="list-style-type: none"> No requests n/a MedicalMutual: <ul style="list-style-type: none"> No direct role in administration No changes MeMedAssn: <ul style="list-style-type: none"> MMA does not administer No changes 	9/27: table - ask medical licensing boards, Courts, Maine Trial Lawyers for input 11/4: tabled until 2011	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

Revised 7/12/2011 3:24 PM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
73	24-A	216	2, 5	Title 24-A, section 216, subsections 2 and 5, relating to records of the Bureau of Insurance	BOI	<ul style="list-style-type: none"> Records associated with actual or claimed violations of Insurance Code 2-4 requests per month Subpoena, hearing on motion to quash No changes 	9/27: table - ask Maine Trial Lawyers for input	
94	24-A	2393	2	Title 24-A, section 2393, subsection 2, relating to workers' compensation pool self-insurance and surcharges	BOI	<ul style="list-style-type: none"> No FOA requests No changes 	10/18: Table - obsolete? Rewrite to ensure confidentiality of old records?	

Public Records Exceptions Subcommittee

Existing Public Records Exceptions, Titles 22 - 25

Exceptions tabled for review in 2011

Revised 7/12/2011 3:24 PM

	TITLE	SECTION	SUB-SECTION	DESCRIPTION	DEPARTMENT/ AGENCY	COMMENTS	SUBCOMMITTEE RECOMMENDATION	ADVISORY COMMITTEE ACTION ON RECOMMENDATION
112	24-A	6807	7	Title 24-A, section 6807, subsection 7, paragraph A, relating to individual identification data of violators	BOI	<ul style="list-style-type: none"> To date, the Bureau has not conducted any examinations of life settlement companies. The exception has not been cited as a basis of denial of a FOA request No changes 	10/18: Table - ask TRecord, (subpoena) 11/4: divided report - no change 3-1 (SBellows) - but flag that inconsistent with treatment of examination reports	

G:\STUDIES 2011\Right to Know Advisory Committee\Existing Public Records Exceptions Review\Chart of remaining exceptions 7-12-11.doc (7/12/2011 3:23:00 PM)

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State of Maine
 ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
 COMMITTEE ON JUDICIARY

June 16, 2011

TO: Members, Right to Know Advisory Committee

FROM: Senator David R. Hastings III, Senate Chair *DH*
 Representative Joan M. Nass, House Chair *JMN*
 Joint Standing Committee on Judiciary

Re: Judiciary Committee requests to the Right to Know Advisory Committee

Thank you for the comments on proposed public records exceptions that you were able to provide during legislative session. Time pressures were such that we could not give you much lead time; your responses within such short time constraints are appreciated.

As you know, freedom of access and the transparency of government are important issues in this State and across the nation. The Judiciary Committee is fortunate to have this Advisory Committee as a resource to sort through tough issues and use the time necessary to thoroughly review proposals. There are several issues on which we request your help.

- Accessibility of individual personal information in public records. Although this question was raised in Section 4 of LD 917, *An Act To Protect Licensing Information Provided to the Department of Inland Fisheries and Wildlife and To Require a Review of Public Access to Other Personal Information*, we frequently hear complaints and concerns about the availability of individual personal information in public records when release of that information serves no reasonable public purpose. One of our discussions included mention that Maine, unlike the federal government, has no Privacy Act or similar protections to be balanced with the need for government transparency. We request that you include this in your lists of tasks for 2011.
- Disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and to provide public access. LD 1082, *An Act Concerning the Protection of Personal Information in Communications with Elected Officials*, (now Public Law 2011, chapter 264) was amended by the Judiciary Committee to include unallocated language directing the

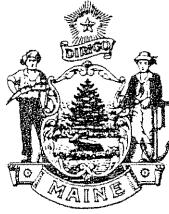
Advisory Committee to undertake this review. We are not convinced that the language enacted is the final word on the availability of e-mail and other records of elected and other public officials, but we believe it is an important first step to protect communications among legislators and other elected officials and their constituents. We think that more work should be done in this area to appropriately address confidentiality, storage and retrieval and accessibility of public records of public officials, especially elected officials. As the volume of electronic records and communications mushrooms, individual officials and agencies are faced with significant questions concerning how to categorize, store and retrieve records. Public Law 2011, chapter 264, section 2 directs the Advisory Committee to include recommendations in the 2012 annual report.

- *LD 1465, An Act To Amend the Laws Governing Freedom of Access*, sponsored by Senator Rosen, is intended to increase government transparency by enhancing the existing freedom of access laws to provide deadlines for responses to requests for public records, to ensure that requesters can access public records in the format requested and to require the designation of public access officers for every agency and political subdivision. The bill also provides funding for the Public Access Ombudsman. The Judiciary Committee carried over the bill to the Second Regular Session with the intention that the Advisory Committee take the time necessary to review each proposal within the bill and make recommendations to the Judiciary Committee. We rely on the broad range of membership of the Advisory Committee to comprehensively review and take into account the consequences of the proposed changes in LD 1465. We are confident you will appropriately weigh the competing interests and develop clear, fair recommendations.
- Bulk data. As you are well aware, there are several issues that touch on the question of the accessibility of public information in large quantities, especially in electronic or similar form. The Judiciary Committee has delayed making recommendations to other legislative committees concerning limiting access, basing costs on the proposed use and redacting private information so that we can rely on your experience and expertise. We are well aware of continuing litigation in this area, but we know this issue is much, much bigger than the pending case, and we hope you can address the broader questions that must be answered in order to develop a comprehensive approach that can be implemented across all public agencies.

We sincerely hope that you will be able to work through these requests and make progress on these important issues. We look forward to your findings and recommendations.

Thank you again for all your devotion to this worthy cause.

enclosures



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 917

H.P. 677

House of Representatives, March 8, 2011

**An Act To Protect Licensing Information Provided to the
Department of Inland Fisheries and Wildlife and To Require a
Review of Public Access to Other Personal Information**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FITTS of Pittsfield.
Cosponsored by Representative TILTON of Harrington.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 1 MRSA §402, sub-§3, ¶P, as corrected by RR 2009, c. 1, §2, is amended
3 to read:

4 P. Geographic information regarding recreational trails that are located on private
5 land that are authorized voluntarily as such by the landowner with no public deed or
6 guaranteed right of public access, unless the landowner authorizes the release of the
7 information; and

8 Sec. 2. 1 MRSA §402, sub-§3, ¶Q, as reallocated by RR 2009, c. 1, §3, is
9 amended to read:

10 Q. Security plans, staffing plans, security procedures, architectural drawings or risk
11 assessments prepared for emergency events that are prepared for or by or kept in the
12 custody of the Department of Corrections or a county jail if there is a reasonable
13 possibility that public release or inspection of the records would endanger the life or
14 physical safety of any individual or disclose security plans and procedures not
15 generally known by the general public. Information contained in records covered by
16 this paragraph may be disclosed to state and county officials if necessary to carry out
17 the duties of the officials, the Department of Corrections or members of the State
18 Board of Corrections under conditions that protect the information from further
19 disclosure; and

20 Sec. 3. 1 MRSA §402, sub-§3, ¶R is enacted to read:

21 R. Names, addresses, telephone numbers, e-mail addresses and other identifying
22 information provided to the Department of Inland Fisheries and Wildlife for purposes
23 of obtaining a license under Title 12, Part 13.

24 Sec. 4. **Right To Know Advisory Committee review.** The Right To Know
25 Advisory Committee, established in the Maine Revised Statutes, Title 1, section 411,
26 shall review the accessibility of individual personal information contained in public
27 records that may be requested from public agencies under Title 1, chapter 13. For the
28 purposes of this section, "individual personal information" includes individual names,
29 addresses, telephone numbers, e-mail addresses and other personal information identified
30 by the committee the publication of which would serve no reasonable public purpose.
31 The committee shall report to the Joint Standing Committee on Judiciary by January 15,
32 2012 identifying those instances in which individual personal information maintained by
33 public agencies is accessible under the freedom of access laws and making
34 recommendations regarding any statutory changes necessary to make confidential any
35 such individual personal information for which disclosure would serve no reasonable
36 public purpose.

37 SUMMARY

38 This bill provides that names, addresses, telephone numbers, e-mail addresses and
39 other identifying information provided to the Department of Inland Fisheries and Wildlife
40 for purposes of obtaining a license are not public records and directs the Right To Know

1 Advisory Committee to review instances when public agencies maintain name of, contact
2 information for and other personal information regarding individuals and make
3 recommendations to the Joint Standing Committee on Judiciary regarding statutory
4 changes necessary to protect individual personal information from disclosure if that
5 disclosure would serve no reasonable public purpose.



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1465

S.P. 456

In Senate, April 12, 2011

An Act To Amend the Laws Governing Freedom of Access

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator ROSEN of Hancock.

Cosponsored by Senators: ALFOND of Cumberland, COLLINS of York, DIAMOND of Cumberland, FARNHAM of Penobscot, HILL of York, HOBBS of York, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PLOWMAN of Penobscot, RECTOR of Knox, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, WHITTEMORE of Somerset, Representatives: BEAVERS of South Berwick, DUNPHY of Embden, EVES of North Berwick, GUERIN of Glenburn, HARVELL of Farmington, HAYES of Buckfield, HINCK of Portland, O'CONNOR of Berwick, OLSEN of Phippsburg, ROSEN of Bucksport, SIROCKI of Scarborough, STRANG BURGESS of Cumberland, TURNER of Burlington.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 1 MRSA §402, sub-§1-B is enacted to read:

3 1-B. Public access officer. "Public access officer" means the person fulfilling the
4 duties as described in section 413.

5 Sec. 2. 1 MRSA §406, as amended by PL 1987, c. 477, §4, is further amended to
6 read:

7 **§406. Public notice**

8 Public notice ~~shall~~ must be given for all public proceedings as defined in section 402,
9 if these proceedings are a meeting of a body or agency consisting of 3 or more persons.
10 This notice ~~shall must~~ be given in ~~ample time to allow public attendance not less than 3~~
11 days prior to the public proceeding and shall must be disseminated in a manner
12 reasonably calculated to notify the general public in the jurisdiction served by the body or
13 agency concerned. In the event of an emergency meeting, local representatives of the
14 media ~~shall must~~ be notified of the meeting, whenever practical, the notification to
15 include time and location, by the same or faster means used to notify the members of the
16 agency conducting the public proceeding.

17 Sec. 3. 1 MRSA §408, as amended by PL 2009, c. 240, §4, is further amended to
18 read:

19 **§408. Public records available for public inspection and copying**

20 **1. Right to inspect and copy.** Except as otherwise provided by statute, every person
21 has the right to inspect and copy any public record during the regular business hours of
22 the agency or official having custody of the public record within ~~a reasonable period of~~
23 ~~time after making a request to inspect or copy the public record~~ the time limits
24 established in section 408-A. An agency or official may request clarification concerning
25 which public record or public records are being requested, but in any case the agency or
26 official shall acknowledge receipt of the request within a reasonable period of time. A
27 person may request by telephone that a copy of the public record be mailed or e-mailed to
28 that person.

29 **2. Inspection, translation and copying scheduled.** Inspection, translation and
30 copying may be scheduled to occur at such time as will not delay or inconvenience the
31 regular activities of the agency or official having custody of the public record sought, as
32 long as the inspection, translation and copying occur within the time limits established in
33 section 408-A. The agency or official may use a 3rd party to make a copy of an original
34 public record, but a requester may not remove the original of a public record from the
35 agency or official.

36 **2-A. Form.** If a public record exists in electronic or magnetic form, the requester
37 may request a copy of the public record in a paper, electronic, magnetic or other medium,
38 specify the storage medium and request that the copy be provided by an electronic
39 transfer by the Internet or other means.

1 A. An agency or official shall provide a copy of the public record in the requested
2 medium if:

3 (1) The agency or official has the technological ability to produce the public
4 record in that medium or can obtain the assistance necessary to produce the
5 public record at a reasonable cost; and

6 (2) The requester agrees to pay the agency's or official's costs to purchase and
7 install any additional necessary computer software or hardware to accommodate
8 the request and to copy the public record in a requested medium.

9 B. If an agency or official cannot provide a copy of a public record in a requested
10 medium, the agency or official shall identify every medium in which the public
11 record can be provided for inspection and copying, which must include a paper copy,
12 and the requester must identify the medium that is acceptable to the requester.

13 **3. Payment of costs.** Except as otherwise specifically provided by law or court
14 order, an agency or official having custody of a public record may charge fees as follows.

15 A. The agency or official may charge a reasonable fee to cover the cost of copying.

16 B. The agency or official may charge a fee to cover the actual cost of searching for,
17 retrieving and compiling the requested public record of not more than \$10 per hour
18 after the first hour of staff time per request. Compiling the public record includes
19 reviewing and redacting confidential information.

20 C. If translation is necessary, the agency or official may charge a fee to cover the
21 actual cost of translation.

22 D. An agency or official may not charge for inspection.

23 E. If the requester requests that the public record be mailed, the agency or official
24 may charge a fee not greater than the actual cost of mailing the record.

25 **4. Estimate.** The agency or official shall provide to the requester an estimate of the
26 time necessary to complete the request and of the total cost. If the estimate of the total
27 cost is greater than \$20, the agency or official shall inform the requester before
28 proceeding. If the estimate of the total cost is greater than \$100, subsection 5 applies and
29 the estimate must be provided within 3 business days of the request.

30 **5. Payment in advance.** The agency or official may require a requester to pay all or
31 a portion of the estimated costs to complete the request prior to the translation, search,
32 retrieval, compiling and copying of the public record if:

33 A. The estimated total cost exceeds \$100; or

34 B. The requester has previously failed to pay a properly assessed fee under this
35 chapter in a timely manner.

36 **6. Waivers.** The agency or official may waive part or all of the total fee if:

37 A. The requester is indigent; or

38 B. Release of the public record requested is in the public interest because doing so
39 is likely to contribute significantly to public understanding of the operations or

activities of government and is not primarily in the commercial interest of the requester.

Sec. 4. 1 MRSA §408-A is enacted to read:

§408-A. Timelines

1. Availability; redaction; location; collection. A public record must be made available immediately upon request unless time is required to redact the record so as to allow inspection and copying of only those portions of the record containing information that is a public record or to locate and collect a record that is not in active use or that is in storage.

2. Certification. If a public record is not available immediately, a public access officer shall promptly certify that fact in writing to the requester, provide an explanation for the delay and either provide an opportunity to inspect or copy the public record within 5 business days or mail or e-mail the public record within 5 business days.

3. Large or multiple requests. If a large public record is requested or multiple public records are requested and the public access officer or a person acting on behalf of the agency or official cannot in the exercise of due diligence produce the entire record or multiple records within 5 business days after the request, the public access officer shall provide the portion of the public record or public records when available. The requester may waive this requirement and request to see the public record or public records requested as a whole when available.

4. Estimate. If the cost to comply with a request to inspect or copy a public record is greater than \$100, an estimate must be provided within 3 business days of the request.

5. Failure to comply. Failure to comply with this section may be treated as a denial of a request and is subject to the enforcement provisions of this chapter.

Sec. 5. 1 MRSA §408-B is enacted to read:

§408-B. Inspection by requester

1. Ten business days. A requester shall complete an inspection of a public record within 10 business days after the record is made available for inspection. If the inspection is not completed within the 10-business-day period, a public access officer or a person acting on behalf of the agency or official shall inform the requester that a written request for additional time may be filed with the agency or official that has custody of the public record.

2. Additional periods. An agency or official shall allow an additional 20 business days beyond the period in subsection 1 for a requester to review a public record if the requester filed a written request for additional time with the agency or official or its public access officer or a person acting on behalf of the agency or official. If the inspection is not completed upon the expiration of the additional 20 business days, the public access officer or person acting on behalf of the agency or official shall inform the

1 requester that a 2nd written request for an additional 10 days may be filed with the
2 agency or official that has custody of the public record.

3 **3. Interruption of inspection.** The time allowed for inspection of a public record
4 may be interrupted if the agency or official needs to use the public record. If an agency or
5 official invokes this subsection, the public access officer, no later than 5 business days
6 after the agency or official takes the record back, shall inform the requester in writing the
7 dates that the public record will be available for the inspection to resume. The time
8 allowed for an inspection is tolled during the period in which the public record is being
9 used by the agency or official.

10 **Sec. 6. 1 MRSA §410,** as repealed and replaced by PL 1987, c. 477, §6, is
11 amended to read:

12 **§410. Violations; injunction**

13 For every willful violation of this subchapter, the state government agency or local
14 government entity whose officer or employee committed the violation ~~shall be~~ is liable
15 for a civil violation for which a ~~forfeiture~~ fine of not more than \$500 may be adjudged.

16 The Superior Court may issue an injunction to enforce the provisions of this chapter
17 against any agency or official. A motion for an injunction is privileged in respect to its
18 assignment for hearing and trial over all other actions except writs of habeas corpus and
19 actions brought by the State against individuals.

20 **Sec. 7. 1 MRSA §412,** as amended by PL 2007, c. 576, §2, is further amended to
21 read:

22 **§412. Public records and proceedings training for certain elected officials and**
23 **public access officers**

24 **1. Training required.** ~~Beginning July 1, 2008, an~~ An elected official and a public
25 access officer, subject to this section shall complete a course of training on the
26 requirements of this chapter relating to public records and proceedings. The official or
27 officer shall complete the training not later than the 120th day after the date the elected
28 official takes the oath of office to assume the person's duties as an elected official or the
29 person is designated as a public access officer pursuant to section 413, subsection 1. For
30 ~~selected officials subject to this section serving in office on July 1, 2008, the training~~
31 ~~required by this section must be completed by November 1, 2008.~~

32 **2. Training course; minimum requirements.** The training course under subsection
33 1 must be designed to be completed by an official or a public access officer in less than 2
34 hours. At a minimum, the training must include instruction in:

- 35 A. The general legal requirements of this chapter regarding public records and public
36 proceedings;
37 B. Procedures and requirements regarding complying with a request for a public
38 record under this chapter; and
39 C. Penalties and other consequences for failure to comply with this chapter.

1 An elected official or public access officer meets the training requirements of this section
2 by conducting a thorough review of all the information made available by the State on a
3 publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding
4 specific guidance on how a member of the public can use the law to be a better informed
5 and active participant in open government. To meet the requirements of this subsection,
6 any other training course must include all of this information and may include additional
7 information.

8 **3. Certification of completion.** Upon completion of the training course required
9 under subsection 1, the elected official or public access officer shall make a written or an
10 electronic record attesting to the fact that the training has been completed. The record
11 must identify the training completed and the date of completion. The elected official
12 shall keep the record or file it with the public entity to which the official was elected. A
13 public access officer shall file the record with the agency or official that designated the
14 public access officer.

15 **4. Application.** This section applies to the following elected officials:

16 A. The Governor;

17 B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;

18 C. Members of the Legislature elected after November 1, 2008;

19 E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers
20 of probate and budget committee members of county governments;

21 F. Municipal officers, clerks, treasurers, assessors and budget committee members of
22 municipal governments;

23 G. Officials of school units and school boards; and

24 H. Officials of a regional or other political subdivision who, as part of the duties of
25 their offices, exercise executive or legislative powers. For the purposes of this
26 paragraph, "regional or other political subdivision" means an administrative entity or
27 instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a
28 quasi-municipal corporation or special purpose district, including, but not limited to,
29 a water district, sanitary district, hospital district, school district of any type, transit
30 district as defined in Title 30-A, section 3501, subsection 1 or regional transportation
31 corporation as defined in Title 30-A, section 3501, subsection 2.

32 This section also applies to a public access officer designated pursuant to section 413,
33 subsection 1.

34 **Sec. 8. 1 MRSA §413 is enacted to read:**

35 **§413. Public access officer; responsibilities**

36 **1. Designation; responsibility.** Every agency or official shall designate to an
37 existing staff member the responsibility of serving as a public access officer to oversee
38 responses to requests for public records under this chapter. The public access officer
39 shall oversee the prompt response to a request to inspect or copy a public record.

1 **2. Training.** A public access officer shall complete a course of training on the
2 requirements of this chapter relating to public records and proceedings as described in
3 section 412.

4 **3. Purpose; schedule.** A public access officer or other person acting on behalf of an
5 agency or official may not inquire into the purpose of a request. A public access officer
6 may inquire as to the schedule or order of inspection or copying of a public record or a
7 portion of a public record under section 408.

8 **4. Uniform treatment.** A public access officer shall treat all requests for
9 information under this chapter uniformly without regard to the requester's position or
10 occupation, the person on whose behalf the request is made or the status of the requester
11 as a member of the media.

12 **5. Comfort and facility.** The public access officer shall ensure that a person may
13 inspect a public record in the offices of the agency or official in a manner that provides
14 reasonable comfort and facility for the full exercise of the rights of the public under this
15 chapter.

16 **6. Unavailability of public access officer.** The unavailability of a public access
17 officer may not delay a response to a request.

18 **Sec. 9. Appropriations and allocations.** The following appropriations and
19 allocations are made.

20 **ATTORNEY GENERAL, DEPARTMENT OF THE**

21 **Administration - Attorney General 0310**

22 Initiative: Provides funds for a part-time Assistant Attorney General position to act as the
23 public access ombudsman and general operating expenses required to carry out the
24 purposes of this Act.

25			
26	GENERAL FUND	2011-12	2012-13
27	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
28	Personal Services	\$62,120	\$65,576
29	All Other	\$5,000	\$5,000
30			
31	GENERAL FUND TOTAL	\$67,120	\$70,576

32 **SUMMARY**

33 This bill increases governmental transparency by enhancing the existing freedom of
34 access laws to provide deadlines for responses to requests for public records, to ensure
35 that requesters can access public records in the format requested and to require the
36 designation of public access officers for every agency and political subdivision.

1 The bill provides funding for an Assistant Attorney General position located in the
2 Office of the Attorney General to act as the public access ombudsman, which is a
3 part-time position.

JUN 20 '11 390

STATE OF MAINE

BY GOVERNOR PUBLIC LAW

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 865 - L.D. 1167

An Act To Protect the Privacy of Persons Involved in Reportable Motor
Vehicle Accidents

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2251, sub-§7, as amended by PL 2003, c. 709, §4, is further amended to read:

7. Report information. An accident report made by an investigating officer or a ~~48-hour~~ report made by an operator as required by ~~former~~ subsection ~~§ 2~~ is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, or a ~~48-hour~~ report as required by ~~former~~ subsection ~~§ 2~~, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483, or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.

A report may be admissible in evidence solely to prove compliance with this section.

~~The~~ Notwithstanding subsection 7-A, the Chief of the State Police may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the chief may furnish a photocopy of the investigating officer's report at the expense of the person making the request. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408, subsection 3.

Sec. 2. 29-A MRSA §2251, sub-§7-A is enacted to read:

7-A. Accident report database; public dissemination of accident report data.
Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

(1) "Data" means information existing in an electronic medium and contained in an accident report database.

(2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.

(3) "Personally identifying accident report data" means:

(a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;

(b) A vehicle registration number;

(c) An insurance policy number;

(d) Information contained in any free text data field of an accident report; and

(e) Any other information contained in a data field of an accident report that may be used to identify a person.

B. The Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, records administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13.

C. The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 963 - L.D. 1317

An Act Concerning Sex Offender Registry Information

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §11221, sub-§9-A is enacted to read:

9-A. Registry information. Registry information created, collected or maintained by the bureau, including, but not limited to, information relating to the identity of persons accessing the registry, is confidential, except the following are public records:

- A. Information provided to the public pursuant to subsection 9; and
- B. Applications and bureau decisions, including any documents made part of those decisions, pursuant to section 11202-A.

Sec. 2. 34-A MRSA §11221, sub-§10, as amended by PL 2003, c. 711, Pt. C, §20 and affected by Pt. D, §2, is further amended to read:

10. Registrant access to information. Pursuant to Title 16, section 620, the The bureau shall provide all information described in subsection 1, paragraphs A to F to a registrant who requests that person's own information. The process for access and review of that information is governed by Title 16, section 620.

Sec. 3. 34-A MRSA §11221, sub-§13 is enacted to read:

13. Access to registrant information existing in electronic form restricted. Notwithstanding Title 1, chapter 13:

- A. Except as made available to the public through the bureau's Internet website pursuant to subsection 9, the bureau may not disseminate in electronic form information about a registrant that is created, collected or maintained in electronic form by or for the bureau; and
- B. Except as made available to the public through an Internet website maintained by a law enforcement agency pursuant to subsection 12, a law enforcement agency may not disseminate in electronic form information about a registrant that is collected or maintained in electronic form by or for the law enforcement agency.

Right to Know Advisory Committee
Legislative Subcommittee
DRAFT: Using technology to conduct public proceedings

PART A

Sec. A-1. 1 MRSA § 403-A is enacted to read:

§403-A. Public proceedings through other means of communication

This section governs public proceedings, including executive sessions, during which public or governmental business is discussed or transacted through telephonic, video, electronic or other means of communication.

1. Requirements. A body subject to this subchapter may conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or governmental business through telephonic, video, electronic or other means of communication only if the following requirements are met.

A. The body has adopted a policy that authorizes a member of the body who is not physically present to participate in a public proceeding through telephonic, video, electronic or other means of communication in accordance with this section.

B. Notice of the public proceeding has been given in accordance with section 406.

C. A quorum of the body is assembled physically at the location identified in the notice required by section 406.

D. The physical attendance by each member who is participating from another location is not reasonably practical. The reason that each member's physical attendance is not reasonably practical must be stated in the record of the public proceeding.

E. Each member of the body participating in the public proceeding is able to simultaneously hear each other and speak to each other during the public proceeding. Members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to hear all members participating from other locations.

F. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication identifies the persons present in the location from which the member is participating.

G. All votes taken during the public proceeding are taken by roll call vote.

H. Each member who is not physically present and who is participating through telephonic, video, electronic or other means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available.

I. The public proceeding is not a public hearing.

2. Voting. A member of a body who is not physically present and who is participating in the public proceeding through telephonic, video, electronic or other means of communication may not vote:

A. On any issue for which materials providing additional information that may influence the member's decision are presented at the public proceeding but have not been provided to the member by the time of the vote; or

B. On any issue concerning testimony or other evidence provided during the public proceeding if it is a judicial or quasi-judicial proceeding.

3. Exception to quorum requirement. A body may convene a public proceeding by telephonic, video, electronic or other means of communication without a quorum assembled physically at one location if:

A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742;

B. The public proceeding is necessary to take action to address the emergency; and

C. The body otherwise complies with the provisions of this section to the extent practicable based on the circumstances of the emergency.

4. Annual meeting. If a body conducts one or more public proceedings pursuant to this section, it shall also hold at least one public proceeding annually during which members of the body in attendance are physically assembled at one location and where no members of the body participate by telephonic, video, electronic or other means of communication from a different location.

Seek input of agencies before making legislative changes to statutory procedures below.

PART B

Finance Authority of Maine

Sec. B-1. 10 MRSA §971 is amended to read:

§971. Actions of the members

Seven members of the authority constitute a quorum of the members. The affirmative vote of the greater of 5 members, present and voting, or a majority of those members present and voting is necessary for any action taken by the members. No vacancy in the membership of the authority may impair the right of the quorum to exercise all powers and perform all duties of the members.

Notwithstanding any other provision of law, in a situation determined by the chief executive officer to be an emergency requiring action of the members on not more than 3 days' oral notice, an emergency meeting of the members may be conducted by telephone in accordance with Title 1, section 403-A and the following.

1. Placement of call. A conference call to the members must be placed by ordinary commercial means at an appointed time.

2. Record of call. The authority shall arrange for recordation of the conference call when appropriate and prepare minutes of the emergency meeting.

3. Notice of emergency meeting. Public notice of the emergency meeting must be given in accordance with Title 1, section 406 and that public notice must include the time of the meeting and the location of a telephone with a speakerphone attachment that enables all persons participating in the telephone meeting to be heard and understood and that is available for members of the public to hear the business conducted at the telephone meeting.

Ethics Commission (any changes?)

Sec. B-2. 21-A MRSA §1002 is amended to read:

§1002. Meetings of commission

1. Meeting schedule. The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held and every 2 weeks in the 60 days preceding an election. In the 28 days preceding an

election, the commission shall meet in Augusta within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise.

2. Telephone meetings. The commission may hold meetings over the telephone if necessary, as long as the commission provides notice to all affected parties in accordance with the rules of the commission and the commission's office remains open for attendance by complainants, witnesses, the press and other members of the public. Notwithstanding Title 1, chapter 13, telephone meetings of the commission are permitted:

A. During the 28 days prior to an election when the commission is required to meet within 24 hours of the filing of any complaint or question with the commission; or

B. To address procedural or logistical issues before a monthly meeting, such as the scheduling of meetings, deadlines for parties' submission of written materials, setting of meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses and recusal of commission members.

3. Other meetings. The commission shall meet at other times on the call of the Secretary of State, the President of the Senate, the Speaker of the House or the chair or a majority of the members of the commission, as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

4. Office hours before election. The commission office must be open with adequate staff resources available to respond to inquiries and receive complaints from 8 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday immediately preceding an election and from 8 a.m. until at least 8 p.m. on election day.

Emergency Medical Services Board

Sec. B-3. 32 MRSA §88, sub-§1, ¶D is amended to read:

§88. Emergency Medical Services' Board

The Emergency Medical Services' Board, as established by Title 5, section 12004-A, subsection 15, is responsible for the emergency medical services program.

1. Composition; rules; meetings. The board's composition, conduct and compensation are as follows.

A. The board has one member representing each region and 11 persons in addition. Of the additional persons, one is an emergency physician, one a representative of emergency medical dispatch providers, 2 representatives of the public, one a representative of for-profit ambulance services, one an emergency professional nurse, one a representative of nontransporting emergency medical services, one a representative of hospitals, one a representative of a statewide association of fire chiefs, one a municipal emergency medical services provider and one a representative of not-for-profit ambulance services. The members that represent for-profit ambulance services, nontransporting emergency medical services and not-for-profit ambulance services must be licensed emergency medical services persons. One of the nonpublic members must be a volunteer emergency medical services provider. Appointments are for 3-year terms. Members are appointed by the Governor. The state medical director is an ex officio nonvoting member of the board.

B. The board shall elect its own chair to serve for a 2-year term. The board may adopt internal rules that may include, but are not limited to, termination of board membership as a consequence of irregular attendance. If a board member does not serve a full term of appointment, the Governor shall appoint a successor to fill the vacancy for the remainder of the term. Any board member may be removed by the Governor for cause. The board may have a common seal. The board may establish subcommittees as it determines appropriate.

C. The board shall meet at least quarterly, and at the call of its chair or at the request of 7 members. When the board meets, members are entitled to compensation according to the provisions of Title 5, chapter 379.

D. A majority of the members appointed and currently serving constitutes a quorum for all purposes and no decision of the board may be made without a quorum present. A majority vote of those present and voting is required for board action, except that for purposes of either granting a waiver of any of its rules or deciding to pursue the suspension or revocation of a license, the board may take action only if the proposed waiver, suspension or revocation receives a favorable vote from at least 2/3 of the members present and voting and from no less than a majority of the appointed and currently serving members. The board may use video conferencing and other technologies in compliance with Title 1, chapter 13, subchapter 1, to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1. Members of the board, its subcommittees or its staff may participate in a meeting of the board, subcommittees or staff via video conferencing, conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection constitutes presence in person at such meeting.

Workers' Compensation Board

Sec. B-4. 39-A MRSA §151, sub-§5 is amended to read:

5. Voting requirements; meetings. The board may take action only by majority vote of its membership. The board may hold sessions at its central office or at any other place within the State and shall establish procedures through which members who are not physically present may participate by telephone or other remote-access technology in compliance with Title 1, chapter 13, subchapter 1. Regular meetings may be called by the executive director or by any 4 members of the board, and all members must be given at least 7 days' notice of the time, place and agenda of the meeting. A quorum of the board is 4 members, but a smaller number may adjourn until a quorum is present. Emergency meetings may be called by the executive director when it is necessary to take action before a regular meeting can be scheduled. The executive director shall make all reasonable efforts to notify all members as promptly as possible of the time and place of any emergency meeting and the specific purpose or purposes for which the meeting is called. For an emergency meeting, the 4 members constituting a quorum must include at least one board member representing management and at least one board member representing labor.

G:\STUDIES 2011\Right to Know Advisory Committee\meetings by tech draft FINAL per RTKAC 09-23-10 mtg.doc (7/13/2011 2:07:00 PM)

11/17/10

Notes from feedback from entities whose current statutes allow meetings via communication technology when less than a quorum is physically present: Finance Authority of Maine, the Emergency Medical Services Board, the Ethics Commission, (Workers' Compensation Board has not yet responded)

FAME

- Proposed changes appear to allow all agencies that are currently not allowed to use technology to conduct public proceedings to do so, even in cases of non-emergencies, while allowing FAME to use this option only in the case of emergencies (would like to maintain ability to hold meetings electronically in limited circumstances – in “emergencies in the realm in which we operate” – i.e., making credit decisions on less than 3 days’ notice; if other entities will have the ability to proceed electronically in non-emergencies, FAME wants same authority) (1 MRSA §403-A)
- Business assistance emergencies in past have required counting telephonic participants for a quorum – suggest removing requirement that quorum must be physically present (have used option only 3 times in last 5 years) (1 MRSA §403-A, sub-§1, ¶C)
- Exception should be made regarding requirement of providing materials or disallowing a member who is participating remotely to vote; sometimes materials (documents, objects, displays) are provided late or at the meeting and it is not practical or possible to furnish them (1 MRSA §403-A, sub-§1, ¶H; §403-A, sub-§2, ¶A)
- Exception to public hearing rule should be made for common case of pro forma public hearings in rule making: APA requires 1/3 of board members present, but FAME usually holds rule making hearings on monthly meeting days (quorum 7/15 required); written comments also allowed for rule making (1 MRSA §403-A, sub-§1, ¶I)
- Emergencies identified in draft (Governor-declared or health emergency) not FAME emergencies, like potential business closings, Friday evening payroll issues; current law allows FAME to hold emergency meetings with 3 days’ notice (10 MRSA §971) – exceptions proposed should be broadened to allow for current statute and other exceptions or those requirements should be deleted. FAME could satisfy 1 MRSA §403-A, sub-§3 ¶¶B & C.

FAME prefers keeping existing statute in the books and unamended; able to comply with most of the proposed changes but ask that you consider needs and practicalities of members and mission.

EMS

- Per budget curtailments, meet once every 2 months; if this extended meeting time has negative impact on operation, brief meeting(s) may be held with majority of members calling in via conference call (room is posted and meeting open to public; staff, AAG, and local members attend in person); cost of meeting for in person is greater than \$1,000 (travel costs) and less than \$100 for conference call meeting (1 MRSA §403, sub-§1, ¶C)
- What is “reasonably practical?” Last two administrations promoted using technology to reduce costs and increase participation – this is an unclear restriction that would take us a step backwards (1 MRSA §403, sub-§1, ¶C)
- Roll call necessary if vote unanimous? (1 MRSA §403, sub-§1, ¶G)

- 32 MRSA §88, sub-§2, ¶B requires meetings be held in 6 regions and includes allowing use of available technology; always have staff at each region, but allowing board members and public to participate via videoconference has increased participation (1 MRSA §403, sub-§1, ¶I)

Other proposed changes would be manageable.

Ethics Commission

- Within the last 28 days before an election, must meet within one calendar day of the filing of any complaint or question (21-A MRSA §1002, sub-§1); this is a challenging requirement, and although most members attend these meetings in person, occasionally one must participate via phone (21-A MRSA §1002, sub-§2)
- One issue may affect us, as well as others – usually matters are considered and decided in one meeting, and there is an open policy of accepting written materials during the course of the meeting. To meet new requirement and allow a member participating electronically to vote, a staff person would have to convert materials to pdfs and email them; sometimes our email system does not allow transmission of very large documents. Suggest allowing the board or the individual member to have discretion as to whether it is appropriate to vote, instead of creating a blanket prohibition for all bodies.

Believe that the Commission can work around the general requirements and wouldn't need exceptions. If draft goes forward, also suggest repealing 21-A MRSA §1002, sub-§2.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
July 17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	August 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	September 1	2	3
4	Labor Day 5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	October 1
2	3	4	5	6	7	8
9	Columbus Day 10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	November 1	2	3	4	5
6	7	8	9	10	Veterans' Day 11	12
13	14	15	16	17	18	19
20	21	22	23	Thanks-giving 24	25	26
27	28	29	30	December 1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	Christmas 26	27	28	29	20	31
January 1	2	3	Legislature convenes 4	5	6	7

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APRIL 12, 2011

Margaret Reinsch

Senior Legal Analyst

Judiciary Committee

Right to Know Advisory

Committee

The Maine Public Broadcasting Network is Maine's largest statewide news and public affairs organization with administrative offices and production facilities for radio and television in Lewiston, Bangor, Augusta and Portland. The station's transmitters and translators are located throughout the state delivering programs to nearly all of Maine citizens. The organization employs 119 staff members. According to the organization's IRS 990 Form ending 6/30/10, MPBN net assets were \$15,473,227. According to MPBN's own audit ending June 30, 2010 it received government support of \$1,954,235 from the State of Maine, \$1,574,366 from the Corporation for Public Broadcasting and government grants of \$33,016.

MPBN comes under the FOA Act as "the board of directors of a non-profit, non-stock private corporation that provides statewide noncommercial public broadcasting services and any

of its committees and subcommittees” and as such under FOA’s public proceedings “means the transaction of any functions affecting any and all citizens of the state.”

Cove Writers, Inc. and Hometown News Service are news companies producing columns for Maine and other state’s newspapers. Hometown News Service is the longest serving continuous member of the State House Newspersons, the press corps with offices in the Cross Building. Both news organizations have as its president and chief journalist, Allen D. (Mike) Brown.

On December 15, 2010, Cove Writers, Inc. filed a FOA request to MPBN President James Dowe for certain financial information. **(See Copy Enclosed)**. A FOA request is mandated by a reply within five working days. No reply came within that period or in subsequent weeks although several attempts to reach President Dowe were futile until February 2011 with a phone call from John F. Isacke, Vice President and Chief Financial Officer which was 45 days from the original request and 40 days in violation of the FOA Act. I requested of Mr. Isacke to put his response in writing which he did with letter dated 2/3/11. **(See Copy Enclosed)**. Although certain MPBN financials were forwarded, two items (1) a copy of MPBN’s current roster of full-time employees with their job titles and ranges for pay grades, and (2) a current copy listing part-time and/or contract employees who received IRS Form 1099 including the amounts they received were omitted.

According to Mr. Isacke the two omitted items do not apply under the FOA Act.

On March 25, 2011, Cove Writers, Inc. filed a FOA to P. James Dowe, President, MPBN, requesting a copy of MPBN's IRS Form 1099-Misc. listing persons and/or companies or other individuals /entities including the amounts received. There was no response after five days. In fact, there was no response at all.

After searching the relevant history files of the FOA Act and the Right to Know Advisory Committee which was created by Public Law 2005, chapter 631, and which has the oversight and responsibility of recommending changes to the Judiciary Committee, I can find no exception that any of the requests in the original letter of December 15, 2010 to Mr. Dowe are confidential and therefore exempt as stated by Mr. Isacke.

However, if Mr. Isacke's presumption is correct, then there is a gross conflict in that although MPBN comes under FOA's "Proceedings" as Mr. Isacke admits, it does not under "Public Records." Therefore, it challenges the general purpose of the Maine FOA as "transactions of any functions affecting any and all citizens of the state" and specifically and effectively labeling all MPBN public records as confidential. Mr. Isacke did respond to requests for some information under "Public Records" but chose to withhold other information under "Public Records" therefore "picking and choosing" what public records to reveal to the public.

MPBN is Maine's only "non-profit corporation that provides statewide noncommercial public broadcasting services" and therefore specifically under Maine's Freedom of Access Act.

The Right to Know Advisory Committee should review MPBN's proprietary stance on Public Records in view of its tremendous media influence in Maine and as the recipient of nearly two million annually of taxpayer funds. If Mr. Isacke is correct then MPBN is under Maine's FOA Act in name only and escapes public access to all of its public records or whatever it chooses to reveal.

On February 17, 2011 a column bylined by Mike Brown was printed in the Ellsworth American (**See Copy enclosed**) revealing financials of MPBN ending June 2009 with the questions of MPBN's cavalier illegal time responses and why if the State of Maine taxpayers were contributing nearly \$2 million to a non-profit, private news corporation then why it did not come fully under the FOA Act?

Efforts are current and continuing to obtain full compliance from MPBN but so far it refuses to release requested information under Maine's Freedom of Information law claiming confidentiality of personnel records.

Enclosures:



Allen D. (Mike) Brown, President

Hometown News Service

State House Station 162

Augusta, ME 04333

Phone 287-4899

E-mail brown@midcoast.com

COVE WRITERS, INC.

INDEPENDENT SYNDICATION
78 CLIFF ROAD, SATURDAY COVE
NORTHPORT, MAINE 04849

TELEPHONE (207) 338-3419
FAX (207) 338-4992

December 15, 2010

Jim Dowe, President
Maine Public Broadcasting Network
1450 Lisbon Street
Lewiston, Maine

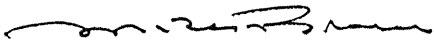
Dear Mr. Dowe:

Pursuant to Title 1, MRSA, Chap. 13, Maine's Freedom of Access Law, I am requesting the following information:

- 1.) The most recent audited financial statement of MPBC.
- 2.) A copy of MBPC's latest filed IRS 990 form.
- 3.) A copy of MPBC's current roster of full-time employees with their job titles and ranges for pay grades.
- 4.) A current copy listing MPBC's part-time and/or contract employees who received IRS Form 1099 including the amounts they received.
- 5.) The names of current MPBC Board of Trustees and their terms of office.

Thank you Mr. Dowe for your past cooperation and prompt reply to the above requests. Also if you have any comment on content and activity of your organization please include it your reply.

Sincerely,



Allen D. (Mike) Brown, President
Cove Writers, Inc.
Hometown News Service



Maine Public Broadcasting Network

1450 Lisbon Street, Lewiston, Maine 04240-3595 · 800-884-1717 · 207-783-9101 · Fax 207-783-5193

February 3, 2011

Allen D. Brown
Cove Writers, Inc.
78 Cliff Road, Saturday Cove
Northport, Maine 04849

Re: Your request of December 15, 2010

Dear Mr. Brown,

It was nice speaking with you on the phone yesterday. As I stated during our conversation, I do not believe that the items you have requested are all subject to Title 1, MRSA, Chapter 13 – Maine's Freedom of Access law. My beliefs in that regard are as follows:

- As I told you, I am not a lawyer, but my simple reading of Chapter 13 is that it pertains to Public Proceedings and to Public Records.
- With respect to Public Proceedings, the work of MPBN's Board of Directors, its committees and subcommittees are specifically included in §402 2. E. MPBN maintains a public file of all such meetings and those files are available for review, upon request, in our Lewiston office as provided under the Freedom of Access law.
- As it pertains to Public Records, it is my belief that MPBN is neither an agency of the state nor are its employees public officials. As such, it is my belief that the Public Records provisions of Chapter 13 do not apply to MPBN.

Within that context, my response to each of your questions follows:

1. Enclosed, for your convenience, is a copy of MPBN's audited financial statements for the years ended June 30, 2010 and 2009. This document is made available to the public on our website, www.mpbnet.net.
2. Enclosed, for your convenience, is a copy of MPBN's draft Form 990 for the year ended June 30, 2010. I will let you know if any substantive changes are made prior to its filing which is due February 15, 2011. This document is also made available to the public through both the IRS website and on MPBN's website, www.mpbnet.net.
3. The roster of full-time employees, their job titles and salary ranges is not a document we normally share and is not enclosed. However, the Form 990

Television • Radio • Education • Internet

With offices and studios in Bangor, Lewiston and Portland
mpbn.net

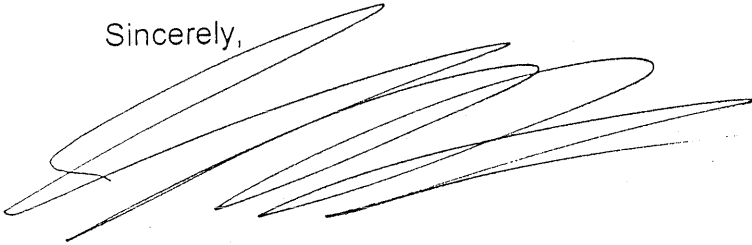
- referred to above discloses for all employees who are compensated at \$100,000 or higher, their name, title and total compensation.
4. The listing of part-time and/or contract employees who received an IRS Form 1099 and the amounts they received is not a document we normally share and is not enclosed.
 5. A listing of our Board of Trustees is also made available to the public on our website, www.mpbnet.net . A listing, including their terms of office is enclosed for your convenience.

I again apologize for the tardiness of my reply to your request.

If there is anything else I can do for you, do not hesitate to contact me directly. I have enclosed one of my business cards. It contains my direct contact information.

When and if an article results from this information response, I would appreciate receiving a copy. Thank you.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive-style name.

John F. Isacke
Vice President and Chief Financial Officer

Cc: Alan L. Baker, Publisher, The Ellsworth American (w/o Enc)
P. James Dowe, President, Maine Public Broadcasting Network (w/o Enc)

MPBN's Violation of the Maine FOA Act

The Maine Freedom of Access Act lies at the heart of a democratic government. It grants the people of this state a broad right of access to public records with transparency, a fundamental principle of the Act. Within its many statute definitions is the right to a filer's response within five days.

On December 15, 2010 filer Hometown News Service requested of James Dowe, president of Maine Public Broadcasting Network, certain financial records of MPBN under the Freedom of Access Act. The response date was overdue on January 7, 2011 and the filer contacted the MPBN office and was informed that the request had been forwarded to the financial department. On January 17, there was still no response. As the filer contemplated court action under the Act there was a phone response on 2/3/11/ from John F. Isacke, MPBN vice president and chief financial officer, which was 45days from the original response and some forty days in violation of the Freedom of Access Act.

MPBN comes under the Act's public proceedings definitions as "the board of directors of a non-profit, non-stock, private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees."

Although VP Isacke provided hard copy duplicates of certain financials—IRS 990 for 2009 and Audited Report, 2010 - he wrote in a cover letter that, "I do not believe that all the items requested are subject to the FOA Act." He further stated, "I am not a lawyer, but my simple reading of Chapter 13, as it pertains to Public Records is that neither is MPBN an agency of the state nor are its employees public officials."

What VP Isacke was referring to in the filer's request was (1) a copy of MPBN's full-time employees with their job titles and ranges for pay grade and (2) a listing of contract employees who received IRS Form 1099 and the amounts they received. These two items have been in the filer's request to MPBN for nearly a decade and fully furnished even with specific names and specific salary although only a salary range was requested.

MPBN is one of the largest media corporations in Maine employing 119 employees and therefore has considerable impact on information, ideas and news content in programs provided to nearly all of Maine citizens through transmitters throughout the state.

MPBN is a \$15.5 million tax-exempt corporation according to its 2009 IRS report. A substantial revenue stream is public support, that is, taxpayer funds. In its 2010 revenue, the State of Maine, via taxpayers, contributed \$1,954,235 and the Corporation for Public Broadcasting, via taxpayers, \$1,574,366, other government grants of \$33,016, via taxpayers, for a total of \$3,561,617. The MPBN membership revenue was \$3,566,370 or only \$4,753 more than public taxpayer support.

According to its 2010 audit, the reported 118 anonymous (so stated VP Isacke) employees received \$5,001,699 in salaries and benefits. The only employee identified in the IRS 990 Form was President James Dowe with a salary of \$156,325 plus \$7,328 in retirement and other deferred compensation.

Phone conversations with VP Isacke indicated that the reason for the 'delay' of response - he did not admit to violation of the Act - was that he was "too busy." Also, he objected to sending hard copy data when the internet was available. However, in its self-praising organization overview on its IRS 2009 Form it states precisely, "Any member of the general public can also request either verbally or in writing that these documents be sent to them."

As to VP Isacke's 'simple reading' of the FOA Act that MPBN is not subject to Public Proceedings and Public Records under the Act in regard to employee salaries and pay ranges - that private opinion appears to be in conflict with the term "public proceedings meaning the transactions of any function affecting any and all citizens of the state." The fact that Maine citizens contributed \$1,954,235 to support MPBN salaries and benefits in 2010 should be considered a function.

Apparently there has been some shading in the transparency of MBPN since the open and full cooperation of MPBN President Jim Dowe through the years. The fact that MPBN was 45 days late and in violation of the FOA Act should be of considerable concern of all citizens and

especially the state legislature which appropriates millions in support of MPBN programming when the state itself has financial concerns of providing its citizens with basic needs of subsistence livability with the challenge of declining revenues.

Nothing so darkens the transparency of government and its ancillary providers of public information than the shadows of silence.

-30-

2

McCarthyReid, Colleen

From: Dwight Hines [dwight.hines@gmail.com]
Sent: Tuesday, July 05, 2011 11:14 AM
To: McCarthyReid, Colleen
Cc: Dwight Hines
Subject: Email to Ms. Reinsch is bouncing. Please let me know you received this email

Dear Ms. McCarthy Reid:

I sent the request below to Ms. Reinsch and it bounced. Please consider my request to have the items placed on the agenda for the July 15th Advisory Committee Meeting.

In addition, I would like to include changing the present five day limit to file court actions for FOAA violations. The limit is much too short.

Dwight Hines

Dear Ms. Reinsch:

I have a couple of issues that possibly need some consideration by the Advisory Committee and possible legislative action: 1) Definition of "reasonable time"; 2) Exemption from FOAA claimed by some volunteer fire departments who claim they are not covered by Maine FOAA because they have putatively incorporated as non-profits. (I use putatively because they are not following federal guidelines for non-profits and one has lost it's non-profit status). It appears now that there are 39 or so non-profit, volunteer fire departments in Maine. What concerns me is that they are large budget departments, even though they are volunteer. Do I need to request these items be placed on the agenda for July 15? I plan on attending.

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- > organizational meeting for *Friday, July 15, 2011*, starting at *9:00 a.m.
- > *in Room 438 of the State House.
- >
- > The meeting is open to the public and the audio will be available via the
- > Legislature's audio page:
- > [*http://www.maine.gov/legis/audio/*](http://www.maine.gov/legis/audio/)<<http://www.maine.gov/legis/audio/>>
- > (If no special link, click on the link to the Judiciary Committee)
- >
- > We will start updating the Advisory Committee's website as soon as the
- > Legislature adjourns.
- > [*http://www.maine.gov/legis/opla/righttoknow.htm*](http://www.maine.gov/legis/opla/righttoknow.htm)<<http://www.maine.gov/legis/opla/righttoknow.htm>>

7/13/2011

>
> Thanks!
> Peggy and Colleen
>
> Margaret J. Reinsch, Esq., Legislative Analyst
> Joint Standing Committee on Judiciary
> Office of Policy and Legal Analysis
> Maine State Legislature
> 13 State House Station
> Augusta, Maine 04333
> (207) 287-1670
> (207) 287-1673 (direct and voice-mail)
> (207) 287-1275 (fax)
> margaret.reinsch@legislature.maine.gov
>
>
>

----- Forwarded message -----

From: **Mail Delivery Subsystem** <mailer-daemon@googlemail.com>
Date: Tue, Jul 5, 2011 at 8:12 AM
Subject: Delivery Status Notification (Delay)
To: dwright.hines@gmail.com

This is an automatically generated Delivery Status Notification

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipient has been delayed:

Margaret.Reinsch@legislature.maine.gov

Message will be retried for 2 more day(s)

Technical details of temporary failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 451 451 4.3.5 <Margaret.Reinsch@legislature.maine.gov>: Recipient address rejected: Server configuration error (state 14).

----- Original message -----

MIME-Version: 1.0

Received: by 10.229.205.170 with SMTP id fq42mr4546442qcb.69.
1309776986305;

Mon, 04 Jul 2011 03:56:26 -0700 (PDT)

Received: by 10.229.85.82 with HTTP; Mon, 4 Jul 2011 03:56:26 -0700 (PDT)

In-Reply-To: <0CF492D652223648B67716BCCAAEC4DF0C21036D@bloo.sh.mainelegislature.org>

7/13/2011

References: <0CF492D652223648B67716BCCAAEC4DF0C21036D@bloo.sh.mainelegislature.org>

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Message-ID:

<CANHAWSRPZPvA2bHsqOWYEZFe=f8Yu2o_Tk8TgyZoeMGXBunkzg@mail.gmail.com>

Subject: Re: Right to Know Advisory Committee meeting

From: Dwight Hines <dwight.hines@gmail.com>

To: "Reinsch, Margaret" <Margaret.Reinsch@legislature.maine.gov>

Cc: Dwight Hines <database.sunshine@gmail.com>

Content-Type: multipart/alternative; boundary=0016369fa23300f60d04a73c383b

McCarthyReid, Colleen

From: Dwight Hines [dwight.hines@gmail.com]
Sent: Wednesday, July 06, 2011 5:07 PM
To: McCarthyReid, Colleen
Cc: Dwight Hines
Subject: U.N. Rule of Law Indicators -- Guide & Tools -- attached
Attachments: un_rule_of_law_indicators.pdf

Dear Ms. McCarthy:

Attached is the UN Rule of Law Indicators: Guide and Tools, July 2011. Please note that transparency is one of their major dimensions for the Rule of Law.

My concern with Maine FOAA as it stands now is that the erratic responses I'm receiving to requests are likely linked to poor economic development in Maine. So, even though the legislature passed the bill "To leverage federal opportunities for job creation in Maine", and the Governor signed it, the lack of transparency in local governments will thwart the realization of job creation.

My FOAA requests for municipal bonds issued by different local governments reveal so far that many of the local governments are not in compliance with full disclosure of potential negative material impacts on their ability to pay off the bonds. As a result, you have places like Rumford water district now placed on a Watchlist by Moody's Ratings with possible downgrade occurring. Rhode Island just had all their munis downgraded and it is going to cost them big bucks.

So, transparency is not just a good idea, it is an essential ingredient to getting the Maine economy going strong.

Dwight Hines

P.S Feel free to distribute the UN report as well as any of the World Bank and International Monetary Fund Reports on transparency.

On Wed, Jul 6, 2011 at 10:25 AM, McCarthyReid, Colleen

<Colleen.McCarthyReid@legislature.maine.gov> wrote:

Good morning Mr. Hines,

Thank you for your email. We will forward your email to the Right to Know Advisory Committee members so that they are aware of the issues you have raised. The committee will be convening for the first time in 2011 on July 15th and will be electing a chair at the meeting and making other organizational decisions. We anticipate having time at the end of the meeting on July 15th for other issues like the ones you raised to be considered by the committee. We expect the committee to determine which issues they would like to put on their task list for 2011 and to decide on a schedule for discussion of those issues.

Thanks again for your interest.

Colleen McCarthy Reid

Colleen McCarthy Reid, Esq.
 Legislative Analyst
 Joint Standing Committee on Insurance and Financial Services

Office of Policy and Legal Analysis

7/13/2011

13 State House Station
Augusta, Maine 04333-0013
(207) 287-1670 (telephone)
(207) 287-1275 (fax)
colleen.mccarthyreid@legislature.maine.gov

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7/13/2011

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> margaret.reinsch@legislature.maine.gov
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Message-ID:

<CANHAWSRPZPvA2bHsqOWYEZFe=f8Yu2o_Tk8TgyZoeMGXBunkzg@mail.gmail.com>

Subject: Re: Right to Know Advisory Committee meeting

From: Dwight Hines <dwight.hines@gmail.com>

To: "Reinsch, Margaret" <Margaret.Reinsch@legislature.maine.gov>

Cc: Dwight Hines <database.sunshine@gmail.com>

Content-Type: multipart/alternative; boundary=0016369fa23300f60d04a73c383b

Dwight E. Hines, Ph.D.
IndyMedia
715 Green Woods Road
Peru, Maine 04290
207-562-4701
dwight.hines@gmail.com

July 12, 2011

The Honorable William J. Schneider, Attorney General
State of Maine
6 State House Station
Augusta, Maine 04333

3

Dear Attorney General Schneider:

- 1) Meetings of the Peru Board of Selectmen are within the definition provided by Title 1, Chapter 13, Subchapter 1, § 402(2), M.R.S. and are to be open pursuant to § 403, and are required to have public notice, pursuant to § 406, in “ample time for public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned.”
- 2) On July 11, 2011, starting at 6:00 p.m., Peru Board of Selectmen did hold a regular meeting at the Peru Town Office, but had not provided public notice as required by § 406.
- 3) During the public comment section of the meeting, a woman raised her concern about the meeting not being publicly noticed as required by Maine Statutes. The woman had a copy of the local newspaper — Rumford-Falls Times — and stated that other towns noticed their meetings in that newspaper.
Selectwoman and Secretary Hussey replied to the woman that the meeting was posted on the door of the Town Office and offered to call the woman prior to every meeting.
The woman objecting said that such notice was not adequate.
Chairman of the Board of Selectmen Tim Holland stated that he did not have any control over what the newspaper published. At the end of the discussion, Chairman Holland said he’d look into it.
- 4) At this time, I am uncertain as to how many meetings have been held by the Peru Board of Selectmen in the past year that have not had adequate public notice, as required by law. I am concerned that a number of decisions have been made that likely need to be revisited after adequate public notice is given.
- 5) Because all of the selectmen have completed the required course in Maine FOAA, and because there have been and are written complaints about irregularities and inaccuracies in the minutes of meetings and in production of documents pursuant to Maine FOAA, and because the Board of Selectmen had a cavalier, dismissive attitude toward the objections about the failure to lawfully notice the meeting, the multiple violations of § 402, et seq., are willful violations for investigation and prosecution pursuant to § 410.
- 6) Please accept this sworn, notarized letter as a formal request to the Attorney General to investigate and, where appropriate, prosecute the multiple violations of Maine open meeting and open record laws and to advise the Peru Board of Selectmen how to comply with the laws. If you need additional facts, or witnesses, or statements, please let me know.

Dwight E. Hines

**STATE OF MAINE
COUNTY OF OXFORD**

Before me, the undersigned authority, on this day personally appeared **Dwight E. Hines**, identified by Florida Driver's License Number **H520-165-44-307-0**, subscribed to the foregoing instrument, and upon his oath affirmed to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF July, 2011.

(SEAL)

NOTARY PUBLIC IN AND FOR OXFORD COUNTY, MAINE

Commission Expires _____

July 13

Conservative group takes issue with cost of housing data

By [Susan M. Coverscover@mainetoday.com](mailto:Susan.M.Coverscover@mainetoday.com)
MaineToday Media State House Writer

AUGUSTA -- A conservative think tank says the Maine State Housing Authority wants to charge too much money to release basic financial information for a public website disclosing the cost of government.

The **Maine Heritage Policy Center** held a State House press conference Tuesday to say that a request for payroll and expenditure data from 1998 through 2010 was billed for \$8,710.

"The data we requested of the Maine State Housing Authority is no different than the data we requested of every other government agency on MaineOpenGov.org., yet their time and cost estimates to provide the data are by far, the highest we have ever been quoted," said David Crocker, director of the Center for Constitutional Government at the policy center.

By comparison, the policy center said it paid nothing for similar records it got from the Maine Turnpike Authority, Maine Public Employees Retirement System and for figures on all welfare spending. The group does pay \$100 to \$200 a year to the state and the University of Maine System for information, said Sam Adolphsen, director of the policy center's Center for Open Government.

Dale McCormick, executive director of the housing authority, said she thought the group had agreed to revise their request, which would cost considerably less. Her staff estimates gathering the data for the period between 2004-2010 would take 372 hours, a cost of \$3,710. By law, the agencies can charge \$10 an hour after the first hour of work to compile the information.

"We serve over 90,000 people each year," McCormick said. "To respond to their revised request of seven years, we have to cross out personal information on well over a half a million transactions."

Last month, the MaineHousing Board of Commissioners voted to charge the \$10 an hour fee after hearing an appeal from the policy center.

"That broad of a request feels like a fishing expedition," McCormick said. "Our board voted unanimously not to donate 10 weeks of staff time to the Maine Heritage Policy Center, an organization with a political agenda."

The policy center launched MaineOpenGov.org in 2009 by listing the salaries and benefits paid to all state workers. It has since added information, including retiree pensions, local school spending and information from some cities and towns.

Adolphsen said the group never revised its request for information from the housing authority. He said to give the public a complete picture, it's important to list both payroll and expenditures for a longer period of time.

"Our position is, that because we're putting it out for the public, we like to have as complete a picture as possible," he said. "If it really takes 800 hours to get spending data together, it can't be in very good order."

Susan Cover -- 620-7015

scover@mainetoday.com

Were you interviewed for this story? If so, please fill out our accuracy form

Send Question/Comment to the Publisher

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Find this article at:

http://www.onlinesentinel.com/news/housing-group-bills-big-for-data_2011-07-12.html

☐ Check the box to include the list of links referenced in the article.



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

14 July 2011

Right to Know Advisory Committee
State House
Augusta, ME

Dear Members of the Committee:

I want to thank you for your service to the People of the State of Maine. An open government is an honest government. Transparency is important and I believe Mainers are better off because of it.

However, there are two concerns I have that I would like the committee to look at during their review. First, we need to clarify the parameters on what really constitutes government business. We have received Freedom of Access Act requests for all grocery receipts from the Blaine House. The staff of the Blaine House conducts the shopping – it is not something I involve myself in. I understand that taxpayers have a legitimate right to know the amount of their money being spent in their house but the intimate details of our diet goes far beyond funds and into the private details of my family's life.

Second, I believe that certain people are abusing our Freedom of Access Act for political purposes. My office has received a number of incredibly broad requests that have taken hours and hours of staff time. We run the office with a very small number of staff. In fact, from what we have learned at National Governors' Association meetings, we believe it is the smallest Governor's staff in the country. While my team has diligently responded to these requests, none of the information has actually been made public by the requestor. They were made simply to gum up the work of my office and prevent us from moving initiatives forward. The \$10.00 an hour rate was added in 2003 and has not been increased since then. I hope the committee will look at the statutory rate as well as ways to combat abuse going forward.

Please do not hesitate to contact my office if you have questions on these concerns. I know we can make our access laws even better to prevent some of the abuses that have come to light lately. Thank you for your service on this important committee.

Sincerely,

Paul R. LePage
Governor



PRINTED ON RECYCLED PAPER

